

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend the substitute amendment.

IN THE SENATE OF THE UNITED STATES—106th Cong., 2d Sess.

S. 1536

To amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

Referred to the Committee on _____
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by

Viz: (all changes refer to document edw00.285)

1 On page 9, line 3, strike “and”.

2 On page 9, between lines 3 and 4, insert the fol-
3 lowing:

4 (2) in subsection (d)(4), by striking “1990”
5 and inserting “2000”; and.

6 On page 9, line 4, strike “(2)” and insert “(3)”.

1 On page 13, strike lines 8 and 9 and insert the fol-
2 lowing:

3 “(D) employee pension benefit plans as de-
4 fined in section 3(2) of the Employee Retirement
5 Income Security Act of 1974 (29 U.S.C.
6 1002(2)).

7 On page 23, line 19, strike “1961” and insert
8 “1964”.

9 On page 27, line 17, strike “60” and insert “55”.

10 On page 31, strike line 21 and all that follows
11 through page 32, line 16 and insert the following:

12 (a) IN GENERAL.—Section 304 of the Older Ameri-
13 cans Act of 1965 (42 U.S.C. 3024) is amended by striking
14 subsection (a) and inserting the following:

15 “(a)(1) From the sums appropriated under section
16 303 for each fiscal year, each State shall be allotted an
17 amount which bears the same ratio to such sums as the
18 population of older individuals in such State bears to the
19 population of older individuals in all States.

20 “(2) In determining the amount allotted to a State
21 from the sums appropriated under section 303 for a fiscal
22 year, the Assistant Secretary shall first determine the

1 amount allotted to such State under paragraph (1) and
2 then adjust such amount, if necessary, to meet the re-
3 quirements of paragraph (3).

4 “(3)(A) No State shall be allotted less than one-half
5 of 1 percent of the sum appropriated for the fiscal year
6 for which the determination is made.

7 “(B) Guam and the United States Virgin Islands
8 shall each be allotted not less than one-fourth of 1 percent
9 of the sum appropriated for the fiscal year for which the
10 determination is made.

11 “(C) American Samoa and the Commonwealth of the
12 Northern Mariana Islands shall each be allotted not less
13 than one-sixteenth of 1 percent of the sum appropriated
14 for the fiscal year for which the determination is made.
15 For the purposes of the exception contained in subpara-
16 graph (A) only, the term “State” does not include Guam,
17 American Samoa, the United States Virgin Islands, and
18 the Commonwealth of the Northern Mariana Islands.

19 “(D) No State shall be allotted less than the total
20 amount allotted to the State for fiscal year 2000 and no
21 State shall receive a percentage increase above the fiscal
22 year 2000 allotment that is less than 20 percent of the
23 percentage increase above the fiscal year 2000 allotments
24 for all of the States.

1 “(4) The number of individuals aged 60 or older in
2 any State and in all States shall be determined by the
3 Assistant Secretary on the basis of the most recent data
4 available from the Bureau of the Census, and other reli-
5 able demographic data satisfactory to the Assistant Sec-
6 retary.”.

7 On page 38, line 20, insert before the semi-colon the
8 following: “and inserting before the period ‘and had con-
9 ducted a timely public hearing upon request’”.

10 Beginning on page 45, strike line 21 and all that fol-
11 lows through page 46, line 21.

12 On page 46, line 22, strike “(27)” and insert “(26)”.

13 On page 53, line 7, insert after the period “A State
14 may exclude from cost sharing low-income individuals
15 whose incomes are above the Federal poverty level.”.

16 On page 57, line 5, insert “that are designed” after
17 “plans”.

18 On page 57, line 6, strike “rates”.

1 On page 70, between lines 10 and 11, insert the fol-
2 lowing:

3 “(f)(1) IN GENERAL.—The Assistant Secretary shall
4 allot to each State an amount that bears the same ratio
5 to such sums as the product of the—

6 “(A) elderly in need percentage; and

7 “(B) the caregiver allotment percentage.

8 “(2) ELDERLY IN NEED PERCENTAGE.—

9 “(A) IN GENERAL.—The term ‘elderly in need
10 percentage’, used with respect to a State, means the
11 sum of—

12 “(i) the product of—

13 “(I) 0.58; and

14 “(II) the number of individuals who
15 are age 60 or older in the State divided by
16 the number of such individuals in all
17 States;

18 “(ii) the product of—

19 “(I) 0.03; and

20 “(II) the number of individuals who
21 are ages 70 through 74 in the State di-
22 vided by the number of such individuals in
23 all States;

24 “(iii) the product of—

25 “(I) 0.08; and

1 “(II) the number of individuals who
2 are ages 75 through 79 in the State di-
3 vided by the number of such individuals in
4 all States;

5 “(iv) the product of—

6 “(I) 0.09; and

7 “(II) the number of individuals who
8 are ages 80 through 84 in the State di-
9 vided by the number of such individuals in
10 all States;

11 “(v) the product of—

12 “(I) 0.15; and

13 “(II) the number of individuals who
14 are age 85 or older in the State divided by
15 the number of such individuals in all
16 States;

17 “(vi) the product of—

18 “(I) 0.03; and

19 “(II) the number of individuals age
20 60 or older in the State who are below the
21 Federal poverty level as determined under
22 the current population survey by the Bu-
23 reau of the Census, using the most recent
24 3-year arithmetic mean of the population
25 surveys from such 3 years, divided by the

1 number of such individuals in all States;
2 and

3 “(vii) the product of—

4 “(I) 0.04; and

5 “(II) the number of individuals who
6 are age 60 or older in the State who are
7 of the nonwhite population as reported by
8 the Bureau of the Census, divided by the
9 number of such individuals in all States.

10 “(B) PUERTO RICO.—

11 “(i) POVERTY LEVEL.—With respect to
12 subparagraph (A)(vi), the number of individuals
13 age 60 or older in Puerto Rico who are below
14 the Federal poverty level shall be the product of
15 the population aged 60 or older in Puerto Rico
16 and the percentage of individuals aged 60 and
17 older living in poverty in the State with the
18 highest such percentage.

19 “(ii) NONWHITE POPULATION.—With re-
20 spect to subparagraph (A)(vii), the nonwhite
21 population for Puerto Rico shall be the product
22 of the population aged 60 or older in Puerto
23 Rico and the percentage of the nonwhite popu-
24 lation in all States.

25 “(3) CAREGIVER ALLOTMENT PERCENTAGE.—

1 “(A) IN GENERAL.—The term ‘caregiver allot-
2 ment percentage’, used with respect to a State,
3 means the result obtained by subtracting from 1 the
4 product of—

5 “(i) 0.65; and

6 “(ii) the result obtained by dividing the
7 total taxable resources percentage for the State
8 by the elderly in need percentage described in
9 paragraph (2).

10 “(B) TOTAL TAXABLE RESOURCES PERCENT-
11 AGE.—The term ‘total taxable resources percentage’
12 means the total taxable resources of the State di-
13 vided by the total taxable resources of all States.

14 “(C) TOTAL TAXABLE RESOURCES.—The term
15 ‘total taxable resources’ means the most recent 3-
16 year arithmetic mean of the total taxable resources
17 of the State as determined by the Secretary of the
18 Treasury.

19 “(D) LIMITATIONS.—

20 “(i) IN GENERAL.—The caregiver allot-
21 ment percentage shall not be less than 0.32 and
22 shall not be more than 0.40.

23 “(ii) PUERTO RICO.—The caregiver allot-
24 ment percentage for Puerto Rico shall be 0.40.

1 “(4) MINIMUM.—In determining the amount allotted
2 under paragraph (1), no State shall receive less than $\frac{1}{2}$
3 of 1 percent of the sum appropriated for the fiscal year
4 for which the determination is made.”.

5 On page 70, strike lines 11 through 15, and insert
6 the following:

7 “(g) AVAILABILITY OF FUNDS.—”.

8 On page 70, line 16, strike “(2)” and insert “(1)”.

9 On page 70, line 22, strike “(3)” and insert “(2)”.

10 On page 86, line 10, strike “6” and insert “7”.

11 On page 103, line 16, insert “(1)” after “(a)”.

12 On page 103, after line 25, add the following:

13 “(2) Amounts appropriated to carry out this title
14 shall be used only to carry out the provisions contained
15 in this title.”.

16 On page 115, line 14, strike “this paragraph” and
17 insert “paragraph (4)”.

1 On page 118, line 3, strike “506(a)(2)(A)” and insert
2 “506(a)(1)”.

3 On page 130, strike lines 6 through 15 and insert
4 the following:

5 “(b) STATE ALLOTMENTS.—From the sums appro-
6 priated to carry out this title for any fiscal year that re-
7 main after amounts are reserved under paragraphs (1),
8 (2), and (3) of subsection (a), the Secretary shall allot
9 to each State an amount that bears the same ratio to such
10 remainder as the product of the number of persons aged
11 55 or over in the State and the allotment percentage of
12 such State bears to the sum of the corresponding product
13 for all States, with the following exceptions:

14 “(1) MINIMUM.—No State shall be allotted less
15 than ½ of 1 percent of the remainder of the sums
16 appropriated for the fiscal year for which the deter-
17 mination is made.

18 “(2) HOLD HARMLESS.—The”.

19 On page 130, strike lines 21 and 22 and insert the
20 following:

21 “(3) INSUFFICIENT APPROPRIATIONS.—State
22 allotments for a fiscal year”.

1 On page 131, strike lines 1 through 21.

2 On page 131, strike line 22 and insert “(4) IN-
3 CREASES IN APPROPRIATIONS.—”.

4 On page 132, lines 3 and 4, strike “subparagraph
5 (C)” and insert “paragraph (2)”.

6 On page 132, strike lines 4 through 21 and insert
7 “2000 for activities under this title, the Secretary shall
8 make available such excess among the States in accord-
9 ance with the allotment formula described previously in
10 this subsection, except that no State shall receive a per-
11 centage increase above the fiscal year 2000 level of activi-
12 ties that is less than 30 percent of the percentage increase
13 above the fiscal year 2000 level of activities for all of the
14 States.”.

15 On page 132, strike line 22 and all that follows
16 through page 133, line 4, and insert the following:

17 “(c) ALLOTMENT PERCENTAGE.—For the purpose of
18 subsection (b)—

19 “(1) the allotment percentage of each State
20 shall be 100 percent less than that percentage which
21 bears the same ratio to 50 percent as the per capita

1 income of such State bears to the per capita income
2 of the United States, except that (i) the allotment
3 percentage shall in no case be more than 75 percent
4 or less than 33 percent, and (ii) the allotment per-
5 centage for the District of Columbia and the Com-
6 monwealth of Puerto Rico shall be 75 percent;

7 “(2) the number of persons aged 55 or over in
8 any State and in all States, and the per capita in-
9 come in any State and in all States, shall be deter-
10 mined by the Secretary on the basis of the most sat-
11 isfactory data available to the Secretary; and

12 “(3) for the purpose of determining the allot-
13 ment percentage, the term ‘United States’ means
14 the 50 States and the District of Columbia.”.

15 On page 133, between lines 4 and 5, insert the fol-
16 lowing:

17 “(d) DIVISION OF STATE ALLOTMENTS BETWEEN
18 NATIONAL GRANTEEES AND STATE GRANTEEES.—

19 “(1) IN GENERAL.—Of the amount allotted to
20 a State under this section—

21 “(A) public and private nonprofit agencies
22 and organizations that are operating under this
23 title under national grants or contracts with the
24 Secretary shall collectively receive a total

1 amount that is not less than the amount nec-
2 essary to maintain the level of activities sup-
3 ported by such organizations under this title
4 within the State for fiscal year 2000 (or the
5 amount remaining after the application of sec-
6 tion 514(e)); and

7 “(B) the State grantee shall receive an al-
8 lotment that is not less than the amount nec-
9 essary to maintain the level of activities sup-
10 ported by the State under this title (or the
11 amount remaining after the application of sec-
12 tion 514(f)) from the total amount it received
13 for fiscal year 2000 from the Secretary.

14 “(2) DIVISION OF INCREASED FUNDS BE-
15 TWEEN NATIONAL GRANTEES AND STATE GRANT-
16 EES.—

17 “(A) UP TO \$35,000,000.—Each State’s
18 proportionate share of the amounts made avail-
19 able pursuant to subsection (b)(4) remaining
20 after paragraph (1) not exceeding \$35,000,000
21 shall be divided with 75 percent provided to
22 State grantees and 25 percent provided to pub-
23 lic and private nonprofit agencies and organiza-
24 tions grantees that are operating under this

1 title under national grants or contracts with the
2 Secretary.

3 “(B) OVER \$35,000,000.—Each State’s
4 proportionate share of the amounts made avail-
5 able pursuant to subsection (b)(4) exceeding
6 \$35,000,000 shall be divided with 50 percent
7 provided to State grantees and 50 percent pro-
8 vided to public and private nonprofit agencies
9 and organizations grantees that are operating
10 under this title under national grants or con-
11 tracts with the Secretary.”.

12 On page 137, line 3, insert “as established by the
13 Secretary” after “measures”.

14 On page 139, line 5, strike “514(f)(4)” and insert
15 “514(f)”.

16 On page 140, lines 7 and 8, strike “Such definitions
17 shall be consistent with the definitions contained in para-
18 graph (2).”.

19 On page 141, line 10, insert “, for approval,” after
20 “Secretary”.

1 On page 161, line 15, strike “and”.

2 On page 161, line 21, strike the period and insert
3 “; and”.

4 On page 161, between lines 21 and 22, insert the fol-
5 lowing:

6 (3) by adding at the end the following:

7 “(g) STUDY AND REPORT.—

8 “(1) STUDY.—The Secretary, in consultation
9 with the Department of the Treasury and the Attor-
10 ney General of the United States, State attorneys
11 general, and tribal and local prosecutors, shall con-
12 duct a study of the nature and extent of financial
13 exploitation of older individuals. The purpose of this
14 study would be to define and describe the scope of
15 the problem of financial exploitation of the elderly
16 and to provide an estimate of the number and type
17 of financial transactions considered to constitute fi-
18 nancial exploitation faced by older individuals. The
19 study shall also examine the adequacy of current
20 Federal and State legal protections to prevent such
21 exploitation.

22 “(2) REPORT.—Not later than 18 months after
23 the date of enactment of the Older Americans Act

1 Amendments of 2000, the Secretary shall submit to
2 Congress a report, which shall include—

3 “(A) the results of the study conducted
4 under this subsection; and

5 “(B) recommendations for future actions
6 to combat the financial exploitation of older in-
7 dividuals.”.